IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

CRL.A.No. 1289 of 2003()

SC.151/2000 of ADDL. SESSIONS COURT (ADHOC-I), PATHANAMTHITTA

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APPELLANT: ACCUSED

RAJAN, S/O.KESAVAN, KALLOORTHEKKETHIL VEEDU, VATTAKKAVU, ELAKOLLUR MURI, PRAMADAM VILLAGE, KOZHENCHERRY TALUK.

BY ADV. SRI.SUNIL JACOB JOSE

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM

BY PUBLIC PROSECUTOR, LATHA THANKAPPAN

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 13/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

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Criminal Appeal No.1289 of 2003 (C)

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Dated this the 13th day of April, 2007

J U D G M E N T

The accused in Sessions Case No.151/2000, on the file of the Additional Sessions Court, Fast Track, (Ad hoc-I), Pathanamthitta, was found guilty of the offence punishable under Section 55(a) and 55(i) of the Abkari Act. Therefore, he was convicted and sentenced to undergo rigorous imprisonment for two years and to pay a fine of rupees one lakh, in default to undergo simple imprisonment for one year each under both counts. The substantive sentences were directed to run concurrently. The accused came up with this appeal challenging the said conviction and sentence.

2. When the appeal was taken up for consideration, the learned counsel for the appellant submitted that the appellant was in jail and, therefore, he had undergone the sentence imposed by the court below.

3. I have directed the office to verify the above submission from the Additional Sessions Court, (Ad hoc-I),

Pathanamthitta, and it is informed that the sentence was initially suspended by the Fast Track Court, to enable the petitioner to file an appeal. However, thereafter, he was absconding. He had surrendered before that court and was in jail from 30/09/2003.

In the above circumstances, I hold that the appellant had already undergone the sentence, as the judgment was in the year 2000. Therefore, no further orders are needed on merit in this case. The appeal is accordingly, closed.

(J.M.JAMES)
Judge

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